

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of JONATHAN EDWARD
RINARD, JAMES ALLEN RINARD, and
JACQUELINE DANIELLE SHOWERS-
RINARD, Minors.

DEPARTMENT OF HUMAN SERVICES,

Petitioner-Appellee,

UNPUBLISHED
March 8, 2007

v

JULIE ANN RINARD,

Respondent-Appellant,

No. 273471
Muskegon Circuit Court
Family Division
LC No. 05-034470-NA

and

RANDY ALLEN RINARD,

Respondent.

Before: Servitto, P.J., and Talbot and Schuette, JJ.

MEMORANDUM.

Respondent Julie Rinard appeals as of right from a circuit court order terminating her parental rights to the minor children pursuant to MCL 712A.19b(3)(g), (h), and (j). We affirm. This appeal is being decided without oral argument pursuant to MCR 7.214(E).

Julie Rinard was imprisoned for OUIL (third offense) and facing a maximum discharge date in August 2015 when a petition for neglect was initiated. Randy Rinard had also been jailed at the time of the filing of the petition. Even before their incarceration respondents were alleged to have neglected their children by not providing a clean home environment and failing to oversee that the children received regular meals and basic hygiene. In addition, a history of domestic violence was noted as an ongoing problem within the home. Based on the continued incarceration of respondents, petitioner filed a supplemental petition for termination of parental rights.

Julie Rinard acknowledged a criminal history and severe problems regarding alcohol abuse of many years' duration, in addition to various misdemeanor convictions and problems

with marijuana use. Randy Rinard also evidenced long-standing problems with drug and alcohol abuse. Former attempts by Julie Rinard to participate in rehabilitation had been unsuccessful and questions persisted regarding her ability to maintain sobriety when not incarcerated. In addition, at least four prior substantiated complaints regarding domestic violence, parental unfitness and failure to protect and provide a suitable home for the minor children existed. Of primary concern was the length of time that would be required for Julie Rinard to establish and maintain sobriety and to acquire the necessary parenting skills to provide a safe and stable environment for the minor children. These concerns were further exacerbated because two of the minor children were identified as having special needs, and the immediacy required to establish a consistent and structured environment to address their needs.

The trial court did not clearly err in finding that respondent's incarceration and subsequent inability to provide a "normal home" for the children, MCL 712A.19b(3)(h), was established by clear and convincing evidence. *In re IEM*, 233 Mich App 438, 450; 592 NW2d 751 (1999). Respondent was serving a minimum prison sentence of 34 months and even if she were released on her earliest outdate in June 2008, she would have to spend three to six months in a halfway house and participate in rehabilitative services for at least a year. The evidence clearly justified termination of parental rights under MCL 712A.19b(3)(h). Further, the evidence did not clearly show that termination of respondent's parental rights was contrary to the children's best interests. MCL 712A.19b(5); *In re Trejo*, 462 Mich 341, 354, 356-357; 612 NW2d 407 (2000). Therefore, the trial court did not err in terminating respondent's parental rights to the children. *Id.*

Affirmed.

/s/ Deborah A. Servitto

/s/ Michael J. Talbot

/s/ Bill Schuette